

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:08-HC-2156-BO

UNITED STATES  
Petitioner,

v.

GERALD WAYNE TIMMS,  
Respondent.


ORDER

This matter is before the Court on Defendant's Motion for Discovery Pursuant to Brady v. Maryland, 373 U.S. 83 (1963). (DE # 66). The Respondent's Motion is DENIED.

Respondent is one of the dozens of detainees in this District currently awaiting a hearing for the determination of whether he is "sexually dangerous" under The Adam Walsh Child Protection and Safety Act of 2006. On April 14, 2011, this Court held that the United States Constitution's Fifth Amendment Due Process Clause requires application of the Brady Doctrine to these detainees. United States v. Edwards, --- F.Supp.2d ----, 2011 WL 1454077 (E.D.N.C.) •

Thus, the Government is already constitutionally obligated to disclose any and all exculpatory material under the Brady Doctrine in this case. A court order is accordingly unnecessary to trigger this obligation. Therefore, the Respondent's Motion is Denied.

SO ORDERED, this 20 day of May, 2011.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE